IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25990 of 2005

Between:

Smt. K. Leelavathi and another

..... PETITIONERS

AND

The Sub Registrar, Hyderabad,

East, Hayatnagar, Hyderabad and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in not registering the sale deeds of the petitioners as per the Circular issued by the 2nd respondent No.E2/406/2001, dated 06.02.2001, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioners submit that they are the owners of plot Nos.10, 11 and 24 admeasuring 631 sq.yards in Sy.No.100 at Kuntloor village, Hayatnagar Mandal, R.R.District, having purchased the same from the original landlord Gurram Narasimhareddy through an agreement of sale dated 15.10.2000. It is stated that the said lands are not being registered by the 1st respondent in pursuance of the Circular instructions issued by the 2nd respondent dated 06.02.2001.

The learned counsel for the petitioner submitted that the circular of the 2nd respondent was set aside by this Court in W.P.No.1953 of 2002, stating that the Government has not issued any Notification under Section 22-A of the Registration Act, 1908, but still the 1st respondent is not registering the sale deeds.

The learned Government Pleader for Revenue submitted that the lands in question are not patta lands and they are Government lands and therefore, the said lands are not liable to be registered.

Whether the lands are patta lands or assigned lands, is a matter to be decided by the revenue authorities, but any registration of the lands in the absence of any particular notification issued under Section 22-A of the Registration Act, 1908, cannot be stalled if they are not the assigned lands.

Having regard to the facts and circumstances of the case and in view of the judgment of this Court in W.P.No.12433 of 2004, dated 24.08.2004, I deem it

appropriate to dispose of the writ petition, directing the 1st respondent, as and when such sale deeds are presented and if they are in accordance with law, the same have to be registered without insisting No Objection Certificate, unless it is notified as contemplated under Section 22-A of the Registration Act, 1908. If the said lands are assigned lands and not liable to be registered, the same fact may be intimated in written to the petitioner.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 06.12.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr